

REMARKS

The present amendment is submitted in response to the Notice of Non-Compliant Amendment mailed January 14, 2008.

The present invention is generally related to a tattooing instrument for application of a tattoo in, e.g., connection with protocol for a surgical procedure. One of the salient features of the invention is that it ensures the delivery of sterile tattoo ink to the subject thereby minimizing the risk of transmission of disease, bacteria etc. In one aspect of the invention as recited in independent claim 12, an instrument is provided with an ink cartridge having sterile tattoo ink disposed within an enclosed chamber of the ink cartridge. In use, a needle including a thread may be mounted to the self contained ink cartridge by engagement with the thread with associated structure of the ink cartridge. The instrument is used for distributing the ink through the needle to create the tattoo markings, with the instrument thereafter discarded after use.

In the Office Action, claims 12-16, 19 and 23-28 were rejected under 35 U.S.C. 102(e) by U.S. Patent No. 6,197,034 to Gvorzdic. Gvorzdic relates to a medical marking device including a housing 2 which has an integrally extended member 3 and a hollow tube 4. Ink 6 is disposed within the housing 2 and is distributed by virtue of a weight 7. The weight 7 translates vertically within the housing 2 to distribute the ink 6.

It is respectfully submitted that the present invention is patentably distinguishable over Gvorzdic. For example, with regard to independent claim 12, Gvorzdic fails to teach or suggest the recited "needle including an internal thread for cooperatively engaging said ink cartridge adjacent said port to couple said surgical needle to said ink cartridge". This feature,

e.g., enables the clinician to selectively attach the needle at, e.g., the operative site, which thereby provides the clinician with the ability to secure the needle at his/her discretion, consequently minimizing accidental puncture of the needle with the clinician or attendants to the procedure. In addition, this feature may also permit the surgeon to selectively choose a needle type, size, etc. suited for the intended purpose. In contrast, Gvorzdic discloses a hollow body 4 mounted to the housing 2. The hollow body 4 is devoid of a thread or the like to permit selective attachment at the operative site-the disadvantages of this arrangement made apparent by the above discussion. In addition, with further regard to independent claim 12, Gvorzdic fails to teach or suggest the recited “said ink cartridge is substantially flexible to permit the operator to manually deform said ink cartridge by direct engagement of said ink cartridge with a hand of the operator to dispense said tattoo ink through said port”. As addressed hereinabove, with the Gvorzdic device the ink is distributed by the weight 7 translating within the housing 2.

With regard to independent claim 23, Gvorzdic fails to teach or suggest the recited “an end cap for covering said port of said ink cartridge sterile and being releasably mounted to said ink cartridge”. As noted in the Office Action, Gvorzdic discloses that “the tip of the marking pen can have a cap”, however, this cap could only be mounted about the end of the hollow body 4. In contrast, the “end cap” of applicant’s invention recited by claim 23 is mounted about the port of the ink cartridge, not, the needle, thereby, e.g., permitting removal of the end cap and subsequent attachment of the needle at the appropriate time as deemed necessary by the clinician. In addition, with further regard to independent claim 23, Gvorzdic also lacks the recited “said ink cartridge is substantially flexible to permit the operator to manually deform said ink cartridge by direct engagement of said ink cartridge with a hand of the operator to dispense said tattoo ink through said port” as discussed hereinabove.

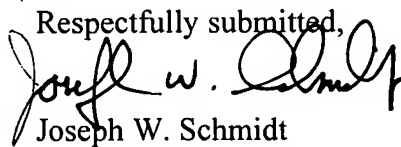
With regard to independent claim 26, Gvorzdic fails to teach or suggest the recited “means associated with said ink cartridge and said member for releasably coupling said member to said ink cartridge adjacent said port”. Such “means” may be, e.g., the internal threads on the needle or the inner wall of the end cap which establishes a friction fit with the port area of the cartridge or any equivalents thereof. This feature permits the selective removal of the end cap and attachment of the needle as deemed necessary by the clinician. Gvorzdic lacks these features and the benefits thereby provided. In addition, with further regard to independent claim 26, Gvorzdic also lacks the recited “said ink cartridge is substantially flexible to permit the operator to manually deform said ink cartridge by direct engagement of said ink cartridge with a hand of the operator to dispense said tattoo ink through said port” as discussed hereinabove.

Accordingly, in view of the foregoing, withdrawal of this rejection is respectfully requested.

In view of the foregoing amendments and remarks, reconsideration of the rejection and objections and allowance of the claims are earnestly solicited. Accordingly, early and favorable reconsideration of this application is respectfully requested. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, she is respectfully requested to contact Applicant’s attorney at the number indicated below.

It is respectfully submitted that none of the references of record disclose or suggest the present invention as claimed in the claims as amended, considered individually or in combination, with themselves, considered in whole or in part. Accordingly, withdrawal of the rejections and objections is respectfully requested.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

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